

**ORIGINAL****FILED**

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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DEPUTY

Kit M. Stetina (SBN 82,977)  
 Stephen Z. Vegh (SBN 174,713)  
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Attorneys for Plaintiff  
 SPY OPTIC, INC.

IN THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SPY OPTIC, INC., a California corporation,

Plaintiff

vs.

WEST COAST DEALS, INC., a California  
 corporation doing business as  
 WWW.HBSUNGLASSCOMPANY.COM;  
 and DOES 1 through 5, inclusive

Defendants

Case No. **08 CV 0384 IEG RBB**

**COMPLAINT FOR PATENT  
 INFRINGEMENT OF U.S.  
 PATENT NOS.**

1. **D534,573**
2. **D557,731**
3. **D557,730**

**DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiff, Spy Optic, Inc., for its Complaint against West Coast Deals, Inc. dba  
 www.hbsunglasscompany.com states and alleges as follows:

**PARTIES**

1. Plaintiff, Spy Optic, Inc. (hereinafter "Spy Optic" or "Plaintiff") is a  
 corporation organized and existing under the laws of the state of California, and

1 having a principal place of business at 2070 Las Palmas Drive, Carlsbad, California  
2 92009.

3 2. Upon information and belief, Defendant West Coast Deals, Inc. is a  
4 corporation organized and existing under the laws of the state of California doing  
5 business as www.hbsunglasscompany.com (hereinafter "West Coast"), and having a  
6 principal place of business at 6292 Turnberry Circle, Huntington Beach, California  
7 92648 and/or 18685-A Main Street, Huntington Beach, California 92648.

8 3. The true names and capacities of the Defendants named herein as DOES  
9 1 through 5, whether individual, corporate, associate, or otherwise, are unknown to  
10 Plaintiff, who therefore sues said Defendants by said fictitious names. Plaintiff is  
11 informed and believes, and thereon alleges, that each of the Defendants designated  
12 herein as DOE is legally responsible for the events and happenings hereinafter  
13 alleged and legally caused injury and damages proximately thereby to Plaintiff as  
14 herein alleged. Plaintiff will seek leave to amend the Complaint when the true names  
15 and capacities of said DOE Defendants have been ascertained. West Coast's and  
16 DOES 1 through 10 are hereinafter collectively referred to as "Defendants."

17 4. Plaintiff is informed and believes, and on that basis alleges, that each of  
18 the Defendants participated in and is in some manner responsible for the acts  
19 described in this Complaint and any damages resulting therefrom.

20 5. Plaintiff is informed and believes, and on that basis alleges, that each of  
21 the Defendants has acted in concert and participation with each other concerning each  
22 of the claims in this Complaint.

23 6. Plaintiff is informed and believes, and on that basis alleges, that each of  
24 the Defendants were empowered to act as the agent, servant and/or employees of each  
25 of the other Defendants, and that all the acts alleged to have been done by each of  
26 them were authorized, approved, and/or ratified by each of the other Defendants.

27 **JURISDICTION AND VENUE**

28 7. This action, as hereinafter more fully appears, arises under the patent

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1 laws of the United States of America (35 U.S.C. §§ 1 *et seq.*), and is for patent  
2 infringement. Jurisdiction for all counts is based upon 28 U.S.C. 21§1331, 1338(a).

3 8. Venue is proper under 28 U.S.C. §§1391(b) and (c) as Defendants reside  
4 in this judicial district and have committed acts of infringement in this judicial  
5 district.

### 6 BACKGROUND OF THE CONTROVERSY

7 9. Plaintiff is the owner of all right, title and interest in and to United States  
8 Design Patent No. D534,573 entitled "Sunglass" (hereinafter "the '573 patent"). A  
9 true and correct copy of the '573 patent is attached hereto as Exhibit 1. The '573  
10 patent was duly and lawfully issued on January 2, 2007 and is presently valid and in  
11 full effect.

12 10. Plaintiff is the owner of all right, title and interest in and to United States  
13 Design Patent No. D557,731 entitled "Sunglass" (hereinafter "the '731 patent"). A  
14 true and correct copy of the '731 patent is attached hereto as Exhibit 2. The '731  
15 patent was duly and lawfully issued on December 18, 2007 and is presently valid and  
16 in full effect.

17 11. Plaintiff is the owner of all right, title and interest in and to United States  
18 Design Patent No. D557,730 entitled "Sunglass" (hereinafter "the '730 patent"). A  
19 true and correct copy of the '730 patent is attached hereto as Exhibit 3. The '730  
20 patent was duly and lawfully issued on December 18, 2007 and is presently valid and  
21 in full effect. (The '573, '731 and '730 patents hereinafter collectively referred to as  
22 the "patents-in-suit").

23 12. Upon information and belief, Defendants have been and are infringing  
24 the patents-in-suit within this district and elsewhere in the United States by making,  
25 using, selling, importing, distributing and/or offering for sale products that infringe  
26 the claims of the patents-in-suit.

27 ///

28 ///

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**FIRST CLAIM FOR RELIEF**

**(Patent Infringement of U.S. Patent No. D534,573)**

13. Plaintiff realleges and repeats the allegations of paragraphs 1-12 above.

14. Plaintiff is the owner of all right, title and interest in and to United States Design Patent No. D534,573 entitled "Sunglass" (hereinafter "the '573 patent"). A true and correct copy of the '573 patent is attached hereto as Exhibit 1. The '573 patent was duly and lawfully issued on January 2, 2007 and is presently valid and in full effect.

15. Upon information and belief, Defendants have been and are infringing the '573 patent within this district and elsewhere in the United States by making, using, selling, importing, distributing and/or offering for sale products that infringe the claims of the '573 patent.

16. Upon information and belief, by the acts of patent infringement herein complained of, the Defendants have made substantial profits to which they are not equitably entitled.

17. By reason of the aforementioned acts of the Defendants, the Plaintiff has suffered great detriment in a sum which exceeds this Court's jurisdictional amount, but which cannot be ascertained at this time.

18. Upon information and belief, Defendants continue to infringe Plaintiff's '573 patent, and will continue to infringe Plaintiff's '573 patent, and will continue to infringe Plaintiff's patents-in-suit to Plaintiff's irreparable harm, unless enjoined by this Court.

19. Upon information and belief, Defendants' were aware of the patents-in-suit and the past and continuing infringement of the '573 patent by Defendants are willful, entitling Plaintiff to enhanced damages.

**SECOND CLAIM FOR RELIEF**

**(Patent Infringement of U.S. Patent No. D557,731)**

20. Plaintiff realleges and repeats the allegations of paragraphs 1-19 above.

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21. Plaintiff is the owner of all right, title and interest in and to United States Design Patent No. D557,731 entitled "Sunglass" (hereinafter "the '731 patent"). A true and correct copy of the '731 patent is attached hereto as Exhibit 2. The '731 patent was duly and lawfully issued on December 18, 2007 and is presently valid and in full effect.

22. Upon information and belief, Defendants have been and are infringing the '731 patent within this district and elsewhere in the United States by making, using, selling, importing, distributing and/or offering for sale products that infringe the claims of the '731 patent.

23. Upon information and belief, by the acts of patent infringement herein complained of, the Defendants have made substantial profits to which they are not equitably entitled.

24. By reason of the aforementioned acts of the Defendants, the Plaintiff has suffered great detriment in a sum which exceeds this Court's jurisdictional amount, but which cannot be ascertained at this time.

25. Upon information and belief, Defendants continue to infringe Plaintiff's '731 patent, and will continue to infringe Plaintiff's '731 patent, and will continue to infringe Plaintiff's patents-in-suit to Plaintiff's irreparable harm, unless enjoined by this Court.

26. Upon information and belief, Defendants' were aware of the patents-in-suit and the past and continuing infringement of the '731 patent by Defendants are willful, entitling Plaintiff to enhanced damages.

### **THIRD CLAIM FOR RELIEF**

#### **(Patent Infringement of U.S. Patent No. D557,731)**

27. Plaintiff realleges and repeats the allegations of paragraphs 1-26 above.

28. Plaintiff is the owner of all right, title and interest in and to United States Design Patent No. D557,730 entitled "Sunglass" (hereinafter "the '730 patent"). A true and correct copy of the '730 patent is attached hereto as Exhibit 3. The '730

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1 patent was duly and lawfully issued on December 18, 2007 and is presently valid and  
2 in full effect.

3 29. Upon information and belief, Defendants have been and are infringing  
4 the '730 patent within this district and elsewhere in the United States by making,  
5 using, selling, importing, distributing and/or offering for sale products that infringe  
6 the claims of the '730 patent.

7 30. Upon information and belief, by the acts of patent infringement herein  
8 complained of, the Defendants have made substantial profits to which they are not  
9 equitably entitled.

10 31. By reason of the aforementioned acts of the Defendants, the Plaintiff has  
11 suffered great detriment in a sum which exceeds this Court's jurisdictional amount,  
12 but which cannot be ascertained at this time.

13 32. Upon information and belief, Defendants continue to infringe Plaintiff's  
14 '730 patent, and will continue to infringe Plaintiff's '730 patent, and will continue to  
15 infringe Plaintiff's patents-in-suit to Plaintiff's irreparable harm, unless enjoined by  
16 this Court.

17 33. Upon information and belief, Defendants' were aware of the patents-in-  
18 suit and the past and continuing infringement of the '730 patent by Defendants are  
19 willful, entitling Plaintiff to enhanced damages.

### 20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

- 22 A. A judgment that Defendants have infringed the patents-in-suit.
- 23 B. A judgment that Defendants' infringement of the patents-in-suit have  
24 been willful.
- 25 C. A preliminary and permanent injunction, pursuant to 35 U.S.C. §283,  
26 enjoining Defendants, and all persons in active concert or participation  
27 with them, from any further acts of infringement of the patents-in-suit.
- 28 D. An order, pursuant to 35 U.S.C. 21284, awarding Plaintiff damages

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adequate to compensate Plaintiff for Defendants' infringement of the patents-in-suit, in an amount to be determined at trial, but in no event less than a reasonable royalty.

- E. An order, pursuant to 35 U.S.C. §284, trebling all damages awarded to Plaintiff based on Defendants' willful infringement of the patents-in-suit.
- F. An order, pursuant to 35 U.S.C. §285, finding that this is an exceptional case and awarding to Plaintiff its reasonable attorneys' fees incurred in this action.
- G. That Plaintiff have such other and further relief that the court may deem just and proper.

Dated: February 28, 2008

STETINA BRUNDA GARRED & BRUCKER

By: 

Kit M. Stetina  
Attorneys for Plaintiff  
SPY OPTIC, INC.

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**DEMAND FOR JURY TRIAL**

Plaintiff, Spy Optic, Inc., hereby demands a jury trial in this action.

Dated: February 28, 2008

STETINA BRUNDA GARRED & BRUCKER

By: 

Kit M. Stetina

Attorneys for Plaintiff

SPY OPTIC, INC.

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US00D534573S

(12) **United States Design Patent**  
**Mage**(10) **Patent No.:** **US D534,573 S**(45) **Date of Patent:** **\*\* Jan. 2, 2007**(54) **SUNGLASS**(75) **Inventor:** **Jerome J. M. Mage**, Beverly Hills, CA (US)(73) **Assignee:** **Spy Optics, Inc.**, Carlsbad, CA (US)(\*\*) **Term:** **14 Years**(21) **Appl. No.:** **29/234,271**(22) **Filed:** **Jul. 15, 2005**(51) **LOC (8) Cl.** ..... **16-06**(52) **U.S. Cl.** ..... **D16/326; D16/335**(58) **Field of Classification Search** ..... D16/300-330,  
D16/101, 332-338; D29/109-110; D24/110.2;  
351/41, 44, 51-52, 62, 158, 92, 103-111,  
351/130, 61, 114-119, 121-123; 2/426-432,  
2/447-449, 441, 434-437  
See application file for complete search history.

(56)

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 D220,291 S \* 3/1971 Simon ..... D16/320  
 D410,022 S \* 5/1999 Conway ..... D16/327

D420,035 S \* 2/2000 Hartman ..... D16/325  
 D434,789 S \* 12/2000 Lane ..... D16/337  
 D456,038 S \* 4/2002 Arnette ..... D16/326  
 D488,499 S \* 4/2004 Mage ..... D16/326  
 D500,781 S \* 1/2005 Mage ..... D16/335

\* cited by examiner

*Primary Examiner*—Raphael Barkai(74) *Attorney, Agent, or Firm*—Stetina Brunda Garred & Brucker(57) **CLAIM**

The ornamental design for a sunglass, as shown and described.

**DESCRIPTION**

FIG. 1 is a front perspective view of the sunglass of the present invention showing my new design with the broken lines forming no part of the claimed design;

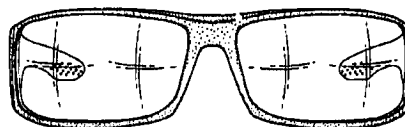
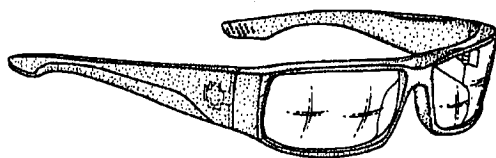
FIG. 2 is a front elevational view thereof;

FIG. 3 is left side elevational view thereof with the broken lines forming no part of the claimed design;

FIG. 4 is rear plan view thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is bottom plan view thereof.

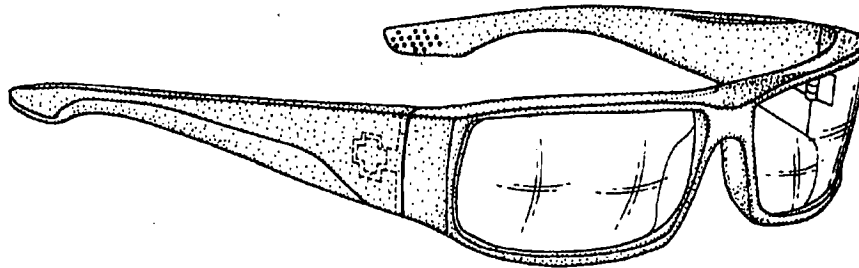
**1 Claim, 2 Drawing Sheets**

U.S. Patent

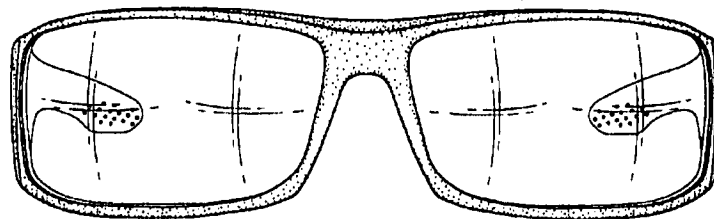
Jan. 2, 2007

Sheet 1 of 2

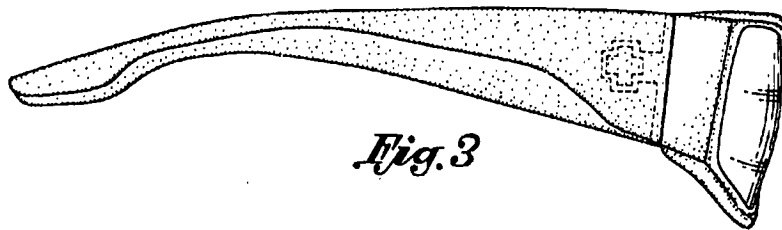
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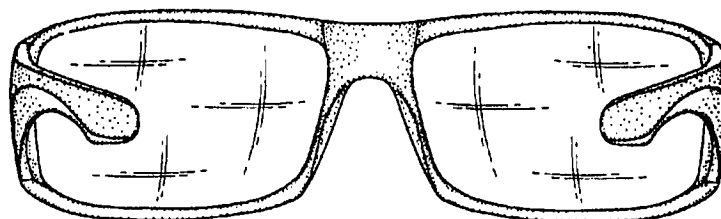
*Fig. 1*



*Fig. 2*



*Fig. 3*



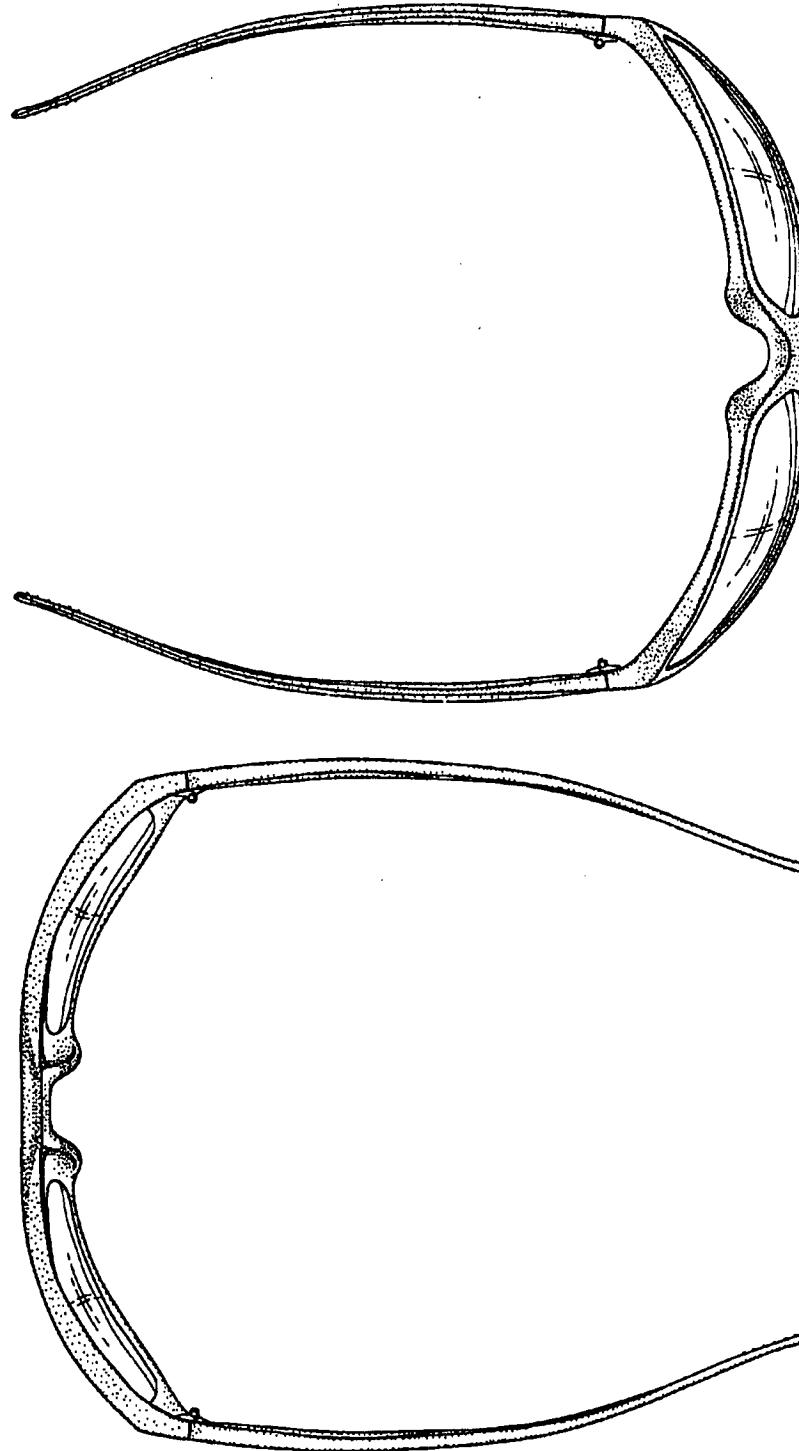
*Fig. 4*

**U.S. Patent**

Jan. 2, 2007

Sheet 2 of 2

**US D534,573 S**



*Fig. 6*

*Fig. 5*





US00D557731S

(12) **United States Design Patent** (10) **Patent No.:** **US D557,731 S**  
**Mage** (45) **Date of Patent:** **\*\* Dec. 18, 2007**

(54) **SUNGLASS**(75) **Inventor:** **Jerome J. M. Mage, Beverly Hills, CA (US)**(73) **Assignee:** **Spy Optic, Inc., Carlsbad, CA (US)**(\*\*) **Term:** **14 Years**(21) **Appl. No.:** **29/267,928**(22) **Filed:** **Oct. 25, 2006**(51) **LOC (8) Cl.** ..... **16-06**(52) **U.S. Cl.** ..... **D16/326; D16/335**

(58) **Field of Classification Search** ..... **D16/300-330,**  
**D16/101, 332-338; D29/109-110; D24/110.2;**  
**351/41, 44, 51-52, 62, 158, 92, 103-111,**  
**351/156, 61, 114-119, 121-123; 2/426-432,**  
**2/447-449, 441, 434-437**  
 See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

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 D420,035 S \* 2/2000 Hartman ..... D16/325  
 D425,103 S \* 5/2000 Yee et al. .... D16/326

D488,499 S \* 4/2004 Mage ..... D16/326  
 D509,781 S \* 1/2005 Mage ..... D16/326  
 D532,033 S \* 11/2006 Mangum ..... D16/323  
 D534,573 S \* 1/2007 Mage ..... D16/335  
 D539,830 S \* 4/2007 Saderholm et al. .... D16/326

\* cited by examiner

*Primary Examiner*—Raphael Barkai(74) *Attorney, Agent, or Firm*—Stetina Brunda Garred & Brucker(57) **CLAIM**

The ornamental design for a sunglass, as shown and described.

**DESCRIPTION**

FIG. 1 is a front perspective view of the sunglass of the present invention showing my new design;

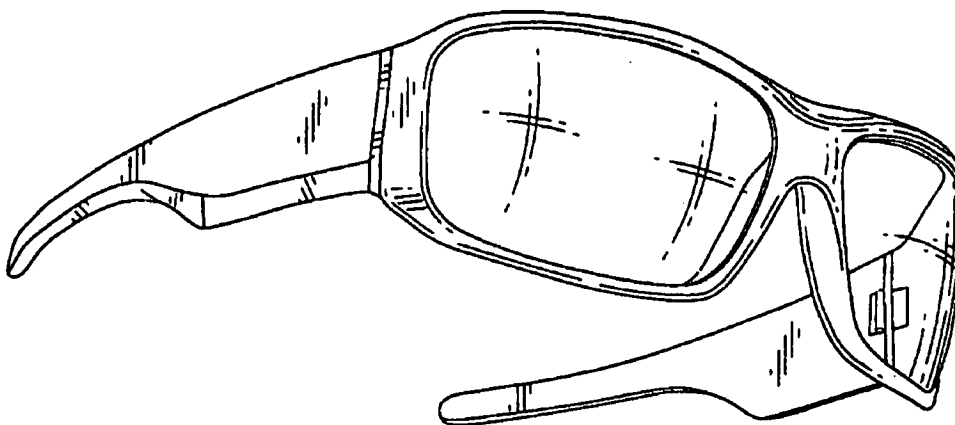
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FIG. 3 is a side elevational view thereof;

FIG. 4 is a rear elevational view thereof;

FIG. 5 is a top plan view thereof; and,

FIG. 6 is a bottom plan view thereof.

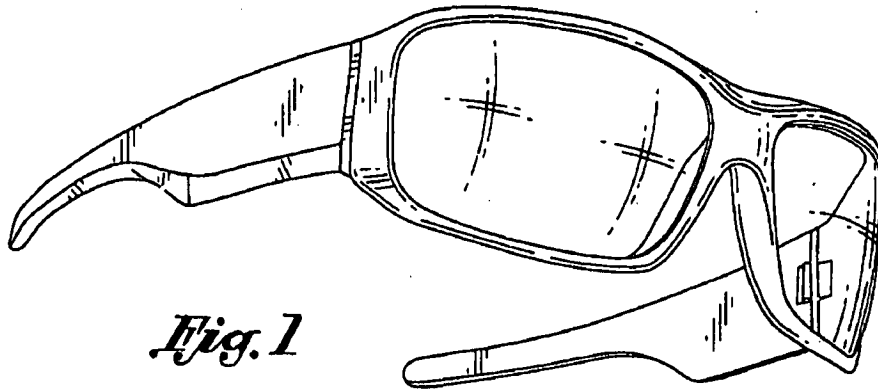
**1 Claim, 2 Drawing Sheets**

U.S. Patent

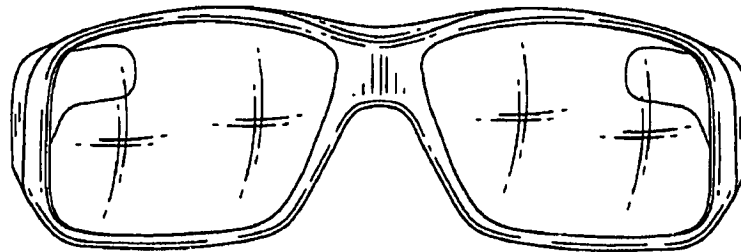
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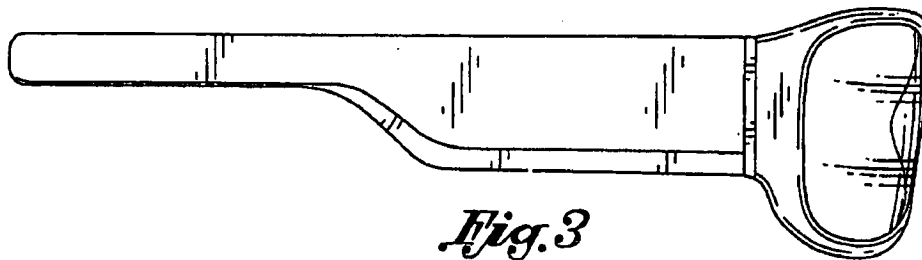
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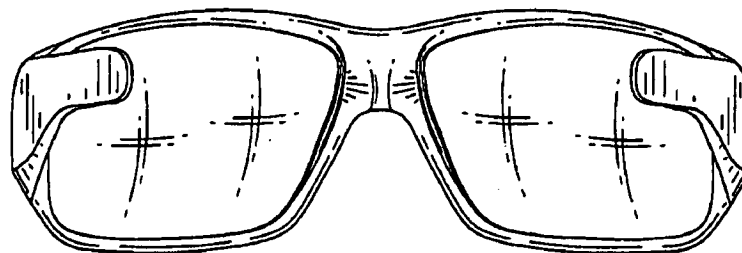
*Fig. 1*



*Fig. 2*



*Fig. 3*



*Fig. 4*

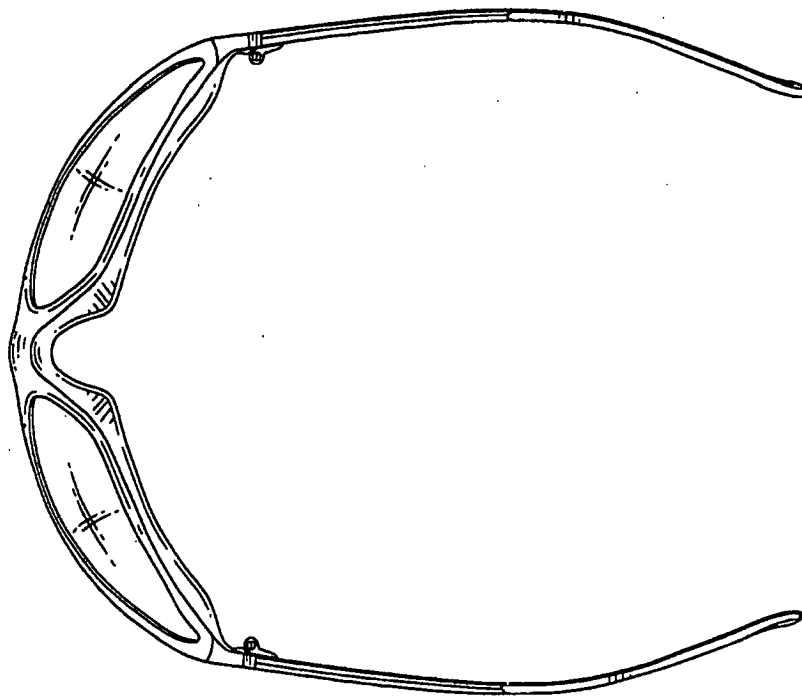


**U.S. Patent**

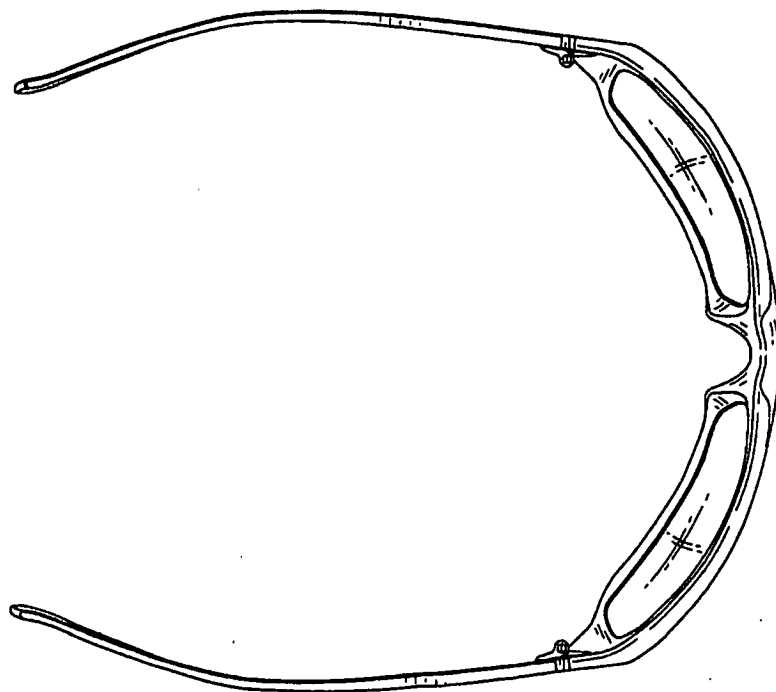
**Dec. 18, 2007**

**Sheet 2 of 2**

**US D557,731 S**



*Fig. 6*



*Fig. 5*





US00D557730S

(12) **United States Design Patent** (10) **Patent No.:** **US D557,730 S**  
**Mage** (45) **Date of Patent:** **\*\* Dec. 18, 2007**

(54) **SUNGLASS**(75) **Inventor:** **Jerome J. M. Mage, Beverly Hills, CA (US)**(73) **Assignee:** **Spy Optic, Inc., Carlsbad, CA (US)**(\*\*) **Term:** **14 Years**(21) **Appl. No.:** **29/267,913**(22) **Filed:** **Oct. 25, 2006**(51) **LOC (8) Cl.** ..... **16-06**(52) **U.S. Cl.** ..... **D16/326; D16/335**

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*Primary Examiner*—Raphael Barkai(74) *Attorney, Agent, or Firm*—Stentina Brunda Garred & Brucker(57) **CLAIM**

The ornamental design for a sunglass, as shown and described.

**DESCRIPTION**

FIG. 1 is a front perspective view of the sunglass of the present invention showing my new design;

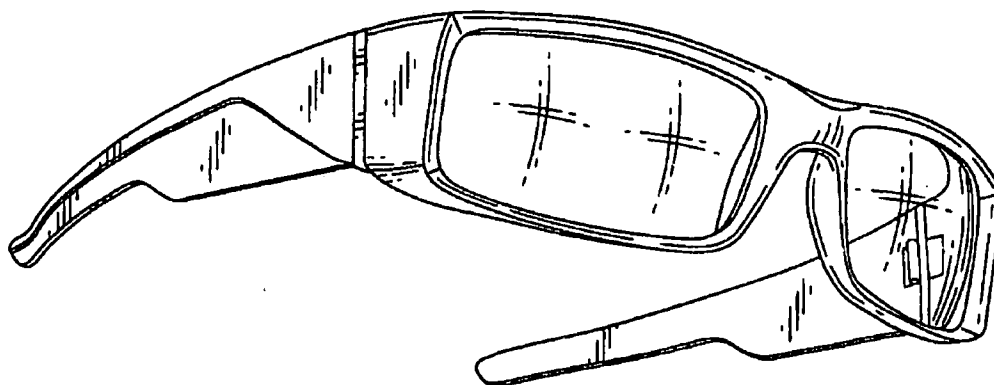
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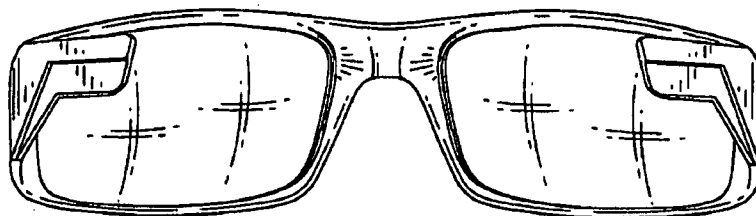
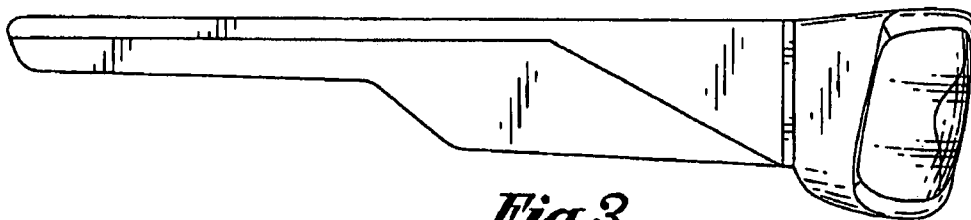
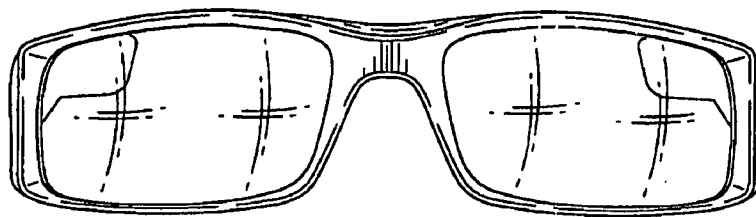
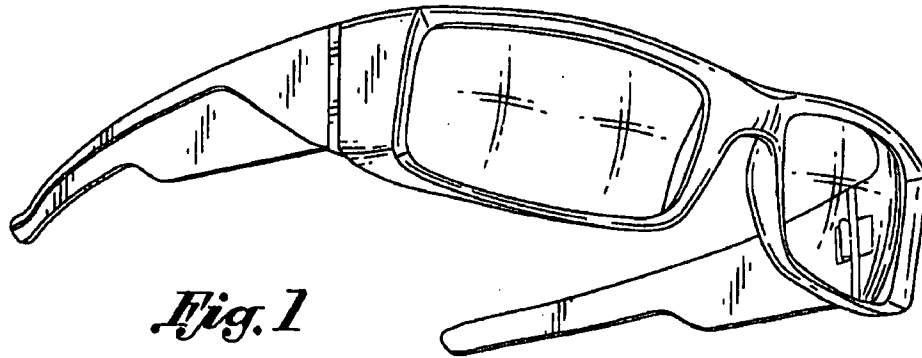
**1 Claim, 2 Drawing Sheets**

U.S. Patent

Dec. 18, 2007

Sheet 1 of 2

US D557,730 S

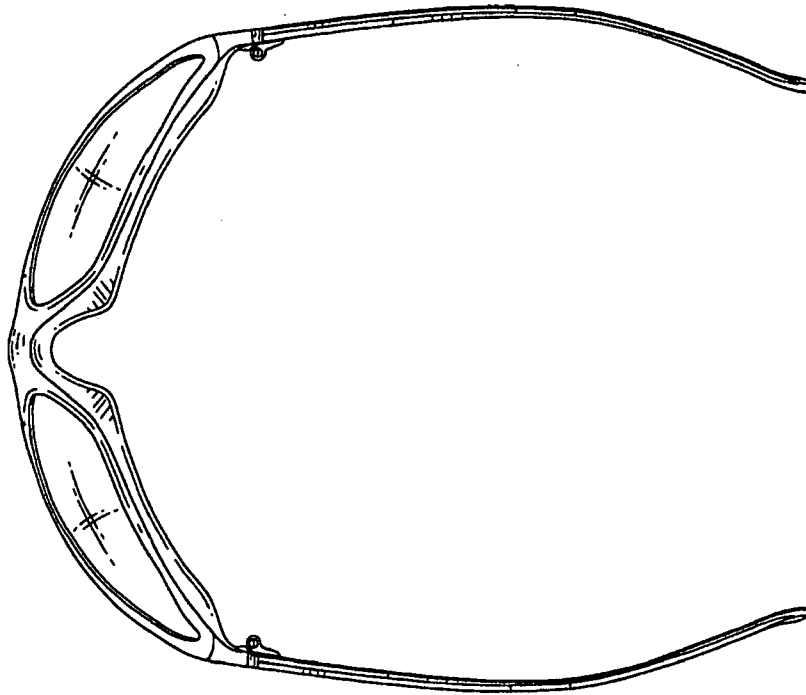


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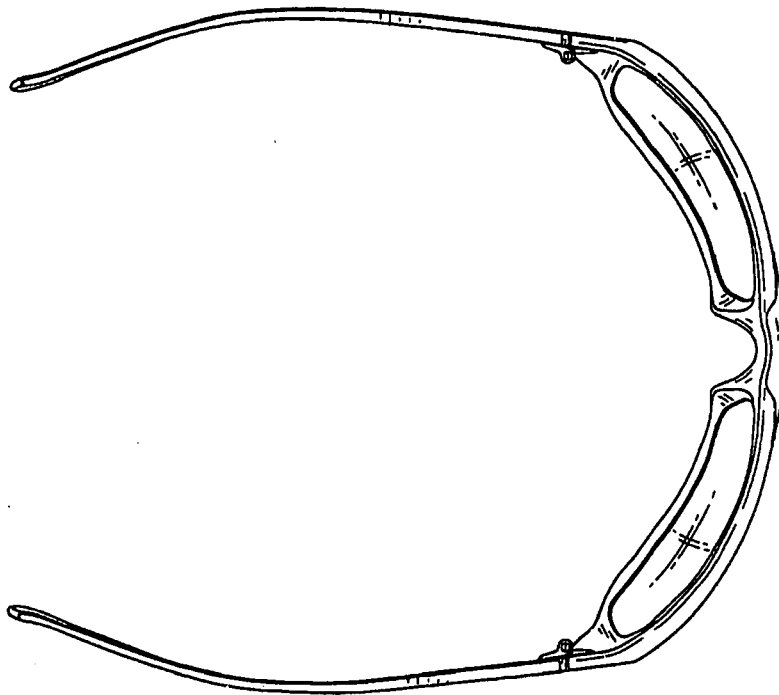
**Dec. 18, 2007**

**Sheet 2 of 2**

**US D557,730 S**



*Fig. 6*



*Fig. 5*



HB Sunglasses - Wholesale Sunglasses To The Public - No Minimum Order Required - Designer Styles At Great Prices



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**■ HBSC Deals**

**■ Top Sellers**

**■ Vintage/Oversized**

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- ▶ Triple Crown
- ▶ Insignia
- ▶ DG Sunglasses
- ▶ XLoop
- ▶ Locs

**■ Women's**

- ▶ Aviator
- ▶ Metal
- ▶ Plastic
- ▶ Polarized
- ▶ Premium
- ▶ Rhinestones

**■ Men's**

- ▶ Aviator
- ▶ Metal
- ▶ Plastic
- ▶ Polarized
- ▶ Premium

**■ Kid's**

**■ Accessories**

**■ Fashion Accessories**

- ▶ Head Wear
- ▶ Hair Clips
- ▶ Headbands
- ▶ Head Scarves
- ▶ Jewelry

**■ Package Deals**

Search Results for Keyword(s): **HBL9018** (matching all words)  
Search found 3 matching products.



Click For Details  
**HBL9018**  
Price:\$25.00



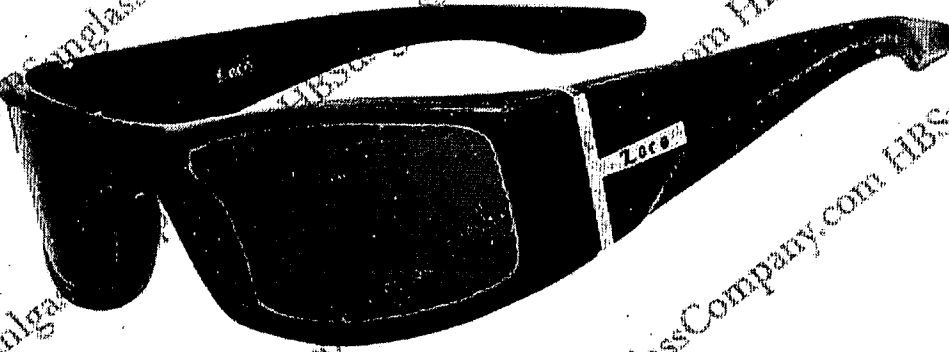
Click For Details  
**HBL9018**  
Price:\$25.00



Click For Details  
**HBL9018**  
Price:\$25.00

**Exhibit 4 Page 1 of 2**







HB Sunglasses - Wholesale Sunglasses To The Public - No Minimum Order Required - Designer Styles At Great Prices



**FREE GROUND SHIPPING**  
on all orders over \$200



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→ | FREQUENT QUESTIONS

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**+ New Arrivals**

**+ HBSC Deals**

**+ Top Sellers**

**+ Vintage/Oversized**

**+ Shop by Brand**

- ▶ Triple Crown
- ▶ Insignia
- ▶ DG Sunglasses
- ▶ XLoop
- ▶ Locs

**+ Women's**

- ▶ Aviator
- ▶ Metal
- ▶ Plastic
- ▶ Polarized
- ▶ Premium
- ▶ Rhinestones

**+ Men's**

- ▶ Aviator
- ▶ Metal
- ▶ Plastic
- ▶ Polarized
- ▶ Premium

**+ Kid's**

**+ Accessories**

**+ Fashion Accessories**

- ▶ Head Wear
- ▶ Hair Clips
- ▶ Headbands
- ▶ Head Scarves
- ▶ Jewelry

**+ Package Deals**



[Click for larger image](#)

HBL8224

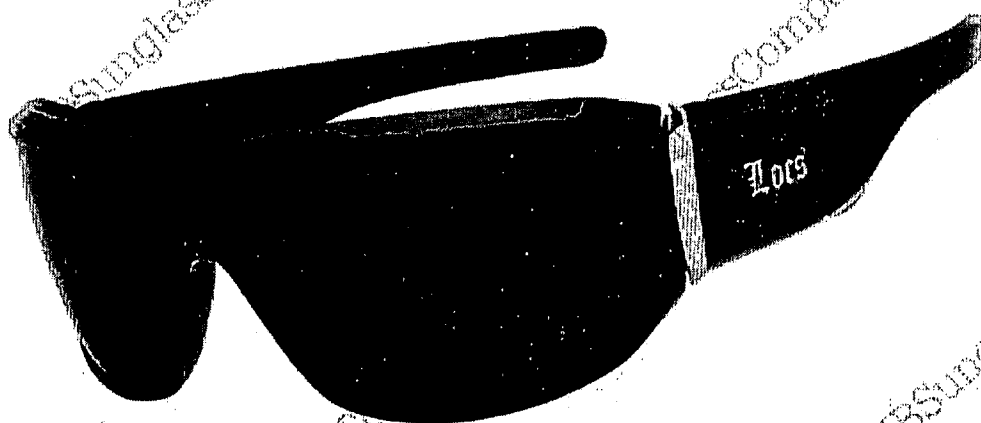
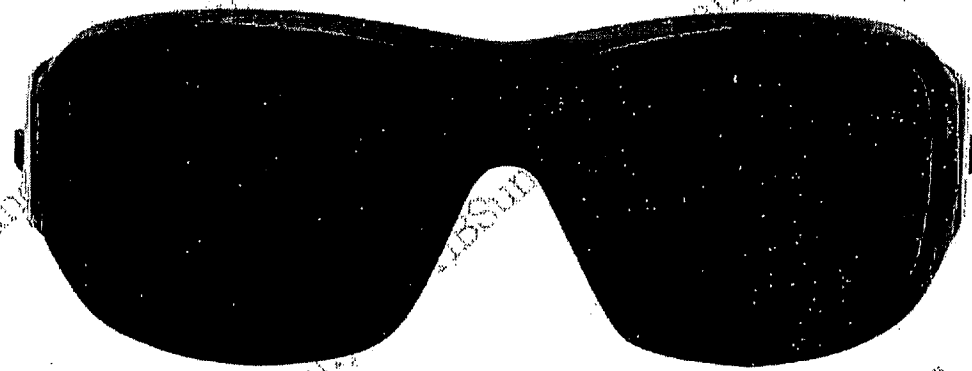
One Dozen Assorted

Price: \$20.00

Quantity:

[Add to Cart](#)

Exhibit 5 Page 1 of 2





HB Sunglasses - Wholesale Sunglasses To The Public - No Minimum Order Required - Designer Styles At Great Prices



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**☒ New Arrivals**

**☒ HBSC Deals**

**☒ Top Sellers**

**☒ Vintage/Oversized**

**☒ Shop by Brand**

- ▶ Triple Crown
- ▶ Insignia
- ▶ DG Sunglasses
- ▶ XLoop
- ▶ Locs

**☒ Women's**

- ▶ Aviator
- ▶ Metal
- ▶ Plastic
- ▶ Polarized
- ▶ Premium
- ▶ Rhinestones

**☒ Men's**

- ▶ Aviator
- ▶ Metal
- ▶ Plastic
- ▶ Polarized
- ▶ Premium

**☒ Kid's**

**☒ Accessories**

**☒ Fashion Accessories**

- ▶ Head Wear
- ▶ Hair Clips
- ▶ Headbands
- ▶ Head Scarves
- ▶ Jewelry

**☒ Package Deals**

Search Results for Keyword(s): **HB8225** (matching all words)  
Search found 2 matching products.

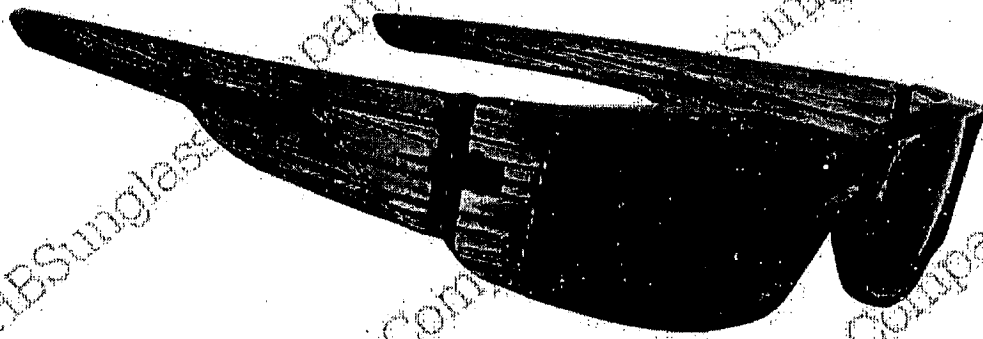


[Click For Details](#)  
**HB8225**  
Price:\$20.00



[Click For Details](#)  
**HB8225**  
Price:\$20.00

**Exhibit 6 Page 1 of 2**





**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

# 148214 - BH

February 29, 2008  
10:00:58

**Civ Fil Non-Pris**

USAO #: 08CV0384 CIVIL FILING  
Judge... IRMA E GONZALEZ  
Amount.: \$350.00 CK  
Check#: BC# 0063873

**Total-> \$350.00**

FROM: SPY OPTIC V. WEST COAST DEALS  
CIVIL FILING

# ORIGINAL

## CIVIL COVER SHEET

JS 44 (Rev. 11/04)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

SPY OPTIC, INC., a California corporation

(b) County of Residence of First Listed Plaintiff San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Kit M. Stetina - Stetina Brunda Garred & Brucker, 75  
Enterprise, Ste. 250, Aliso Viejo, CA 92656 949/855-1246

**DEFENDANTS**

WEST COAST DEALS, INC., a California corporation doing  
business as www.hbsunglasscompany.com; DOES 1 - 5

County of Residence of First Listed Defendant San Diego  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED SOUTHERN DISTRICT OF CALIFORNIA

Attorneys (If Known)

08 CV U 384 IEG RBB

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                            |                            |   |                            |                            |
|----------------------------|----------------------------|---|----------------------------|----------------------------|
| <b>PTF</b>                 | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                 |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Citizen of This State                   | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Citizen of Another State                | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
- Incorporated or Principal Place of Business In This State
- Incorporated and Principal Place of Business In Another State
- Foreign Nation

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395if) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):  
Patent Infringement 35 U.S.C. §§ 1, et seq.

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ proof at trial

CHECK YES only if demanded in complaint:  
 JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE JLS and BEN, respectivelyDOCKET NUMBER 07cv1160 (JLS) and 07cv1909 (BEN)

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 148214AMOUNT \$350APPLYING IFP 2/29/08 BY

JUDGE

MAG. JUDGE